

**BOA REVIEW COVERSHEET****CASE:** C15-2019-0045**BOA DATE:** August 12, 2019**ADDRESS:** 504 Sunny Ln**COUNCIL DISTRICT:** 9**OWNER:** Ryan Diepenbrock**AGENT:** Colby Turner**ZONING:** SF-3-NCCD-NP (South River City)**LEGAL DESCRIPTION:** LOT 64 \* LESS N 151 SQ FT WOODLAWN ADDN**VARIANCE REQUEST:** increase maximum impervious cover and fence height**SUMMARY:** complete Single-Family residence**ISSUES:** grade change; retaining wall issues

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NCCD-NP	Single-Family
<i>North</i>	L-V-NP	Lake Commercial
<i>South</i>	SF-3-NCCD-NP	Single-Family
<i>East</i>	SF-3-NCCD-NP	Single-Family
<i>West</i>	SF-3-NCCD-NP	Single-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Greater South River City Combined Neighborhood Plan Contact Team

Hill Country Conservancy

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Preservation Austin

SEL Texas

Sierra Club, Austin Regional Group

South Central Coalition

South River City Citizens Assn.

Zoning Committee of South River City Citizens



August 1, 2019

Colby Turner  
504 Sunny Ln  
Austin TX, 78704

Property Description: LOT 64 \* LESS N 151 SQ FT WOODLAWN ADDN

**Re: C15-2019-0045**

Dear Colby,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from

- Section 25-2-492 (Site Development Regulations) (D) to increase the maximum allowable Impervious Cover from 45% (required) to 59.5% (requested) for retaining wall;
- Section 25-2-899 (Fences as Accessory Uses) (E) (1) from 6 feet to 7 ft. 2 in. at North end and portions of Southeast and Southwest sides of property lines;

In order to complete a Single-Family residence in a "SF-3-NCCD-NP", Single-Family Residence zoning district. (South River City Combined Neighborhood Plan)

Austin Energy does not oppose requested variances, provided all proposed and existing improvements are in compliance with AE clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants expense.

Attached is a link to our Clearance and Safety Requirements.

[https://library.municode.com/tx/austin/codes/utilities\\_criteria\\_manual?nodeId=S1AUENDECR\\_1.10.0CL\\_SARE](https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CL_SARE)

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

**Eben Kellogg, Property Agent**

Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6050



**NOTIFICATIONS**

CASE#: C15-2019-0045  
504 SUNNY LANE



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





# CITY OF AUSTIN

## Development Services Department

One Texas Center | Phone: 512.978.4000  
505 Barton Springs Road, Austin, Texas 78704

I-2/4

## Board of Adjustment General/Parking Variance Application

**WARNING: Filing of this appeal stops all affected construction activity.**

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. **If more space is required, please complete Section 6 as needed.** All information is required (if applicable).

### For Office Use Only

Case # _____	ROW # _____	Tax # _____
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### Section 1: Applicant Statement

Street Address: 504 Sunny Lane

Subdivision Legal Description:  
WOODLAWN ADDN

Lot(s): LOT 64 \* LESS N 151 SQ FT Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-3-NCCD-NP

I/We Colby Turner on behalf of myself/ourselves as authorized agent for Ryan Diepenbrock affirm that on Month July, Day 9, Year 2019, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

Erect  Attach  Complete  Remodel  Maintain  Other: \_\_\_\_\_

Type of Structure: An in-ground pool with corresponding retaining wall, and solid fence.

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-492 -> Site Development Regulations--Maximum Allowable Impervious Coverage for SF-3 Lots is 45%

25-2-899 -> Fences as Accessory Uses--Section (E) Limiting solid fence height to 6' without written consent from adjacent property owner. Supported by subsection (E.1.)

**Section 2: Variance Findings**

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

I contend that my entitlement to the requested variance is based on the following findings:

**Reasonable Use**

The zoning regulations applicable to the property do not allow for a reasonable use because:

The engineered solution, approved by Public Works, for our retaining wall called for an "inverted footer." The sub-grade square footage of traditional footers is not counted toward impervious coverage. Our "inverted footer" includes controlled drainage and can easily be compared to other footers that are not counted as impervious surfaces. Also, multiple grade changes create unique problems for fencing along both the East and West property lines.

**Hardship**

a) The hardship for which the variance is requested is unique to the property in that:

This property has a topography not typical to the vast majority of Austin homes, and is adjacent to a highly trafficked, high speed, portion of Riverside Drive. Designing an ultra safe, and extremely effective means of retention on the site has made a dramatic improvement on the storm water runoff coming from the property as well as the safety of drivers on Riverside.

b) The hardship is not general to the area in which the property is located because:

The topography, unique to the lot, prevented pedestrian usage of the majority of the yard to the North of the existing home. As well, the street noise created by the high speed traffic on Riverside is not typical for homes in the neighborhood.

**Area Character**

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The added retaining wall and solid fence is located completely within the property lines of 504 Sunny Lane and corresponds with the adjacent improvement at 502 Sunny Lane. The wall and fence also help block street noise for both of the neighboring properties and do not adversely affect sitelines for either neighbor.

**Parking** (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

- 1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

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- 2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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- 3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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- 4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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**Section 3: Applicant Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Colby Turner Digitally signed by Colby Turner Date: 2019.07.03 10:12:05 -05'00' Date: 07/09/2019

Applicant Name (typed or printed): Colby Turner

Applicant Mailing Address: 1108 Shuberg St

City: Austin State: TX Zip: 78721

Phone (will be public information): (512) 791-0506

Email (optional – will be public information): [REDACTED]

**Section 4: Owner Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: \_\_\_\_\_ Date: 07/19/2019

Owner Name (typed or printed): Ryan Diepenbrock

Owner Mailing Address: 504 Sunny Lane

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 326-3905

Email (optional – will be public information): \_\_\_\_\_

**Section 5: Agent Information**

Agent Name: Colby Turner

Agent Mailing Address: 1108 Shuberg St

City: Austin State: TX Zip: 78721

Phone (will be public information): (512) 791-0506

Email (optional – will be public information): [REDACTED]

**Section 6: Additional Space (if applicable)**

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Our variance request is two fold and includes a request to increase impervious coverage due to the requirement for a unique retaining solution as well as a request for an increase in allowable solid fence height for an increasingly noisy Riverside Drive. The exact requests are as follows:

**Section 3: Applicant Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Colby Turner Digitally signed by Colby Turner Date: 2019.07.03 10:12:05 -05'00' Date: 07/09/2019

Applicant Name (typed or printed): Colby Turner

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City: Austin State: TX Zip: 78721

Phone (will be public information): (512) 791-0506

Email (optional – will be public information): [REDACTED]

**Section 4: Owner Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: [Signature] Date: 07/19/2019

Owner Name (typed or printed): Ryan Diepenbrock

Owner Mailing Address: 504 Sunny Lane

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 326-3905

Email (optional – will be public information):

**Section 5: Agent Information**

Agent Name: Colby Turner

Agent Mailing Address: 1108 Shuberg St

City: Austin State: TX Zip: 78721

Phone (will be public information): (512) 791-0506

Email (optional – will be public information): [REDACTED]

**Section 6: Additional Space (if applicable)**

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional Space (continued)

Variance Request 504-A: [25-2-492] We would like to increase the allowable impervious coverage as dictated by the Land Development Code (25-2-492) from the maximum allowable impervious coverage of 45% for SF3 lots to 59.5%. The requested increase is due to the unique design of the retaining wall at the North end of the property which required the construction of an "inverted footer." This design was approved by the Department of Public Works, and insured that the property owners would be able to take full advantage of their backyard as well as not adding any pressure to the existing retaining wall on Riverside at the North end of the property. The square footage of footers for retaining walls and the like are normally not counted as impervious coverage.

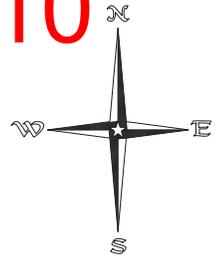
Variance Request 504-B: [25-2-899 (E)] We would like to request that a 7'2" fence be allowed to remain at the North end of the property as it borders Riverside Drive. The City of Austin is our neighbor along that property line and we need consent from her for our fence to be higher than the 6' maximum. As well, we would like to request that height (7'2") be allowed to continue Southwest 29' from the Northeast property corner along the East property line as well as another 36' starting at the Northwest property corner heading Southwest along the West property line. The grade change on the East side of the property makes the majority of this stretch a retaining wall with the fence height at 18" on the East side of the fence before the neighbors grade goes to cliff at their NW property corner. The West fence, at the 36' section in question, is less than 62" tall on the neighbors side, to the Southwest of the retaining wall at 502 Sunny.

Multiple horizontal blue lines for text entry.



SCALE: 1" = 20'

# I-2/10



### Legend

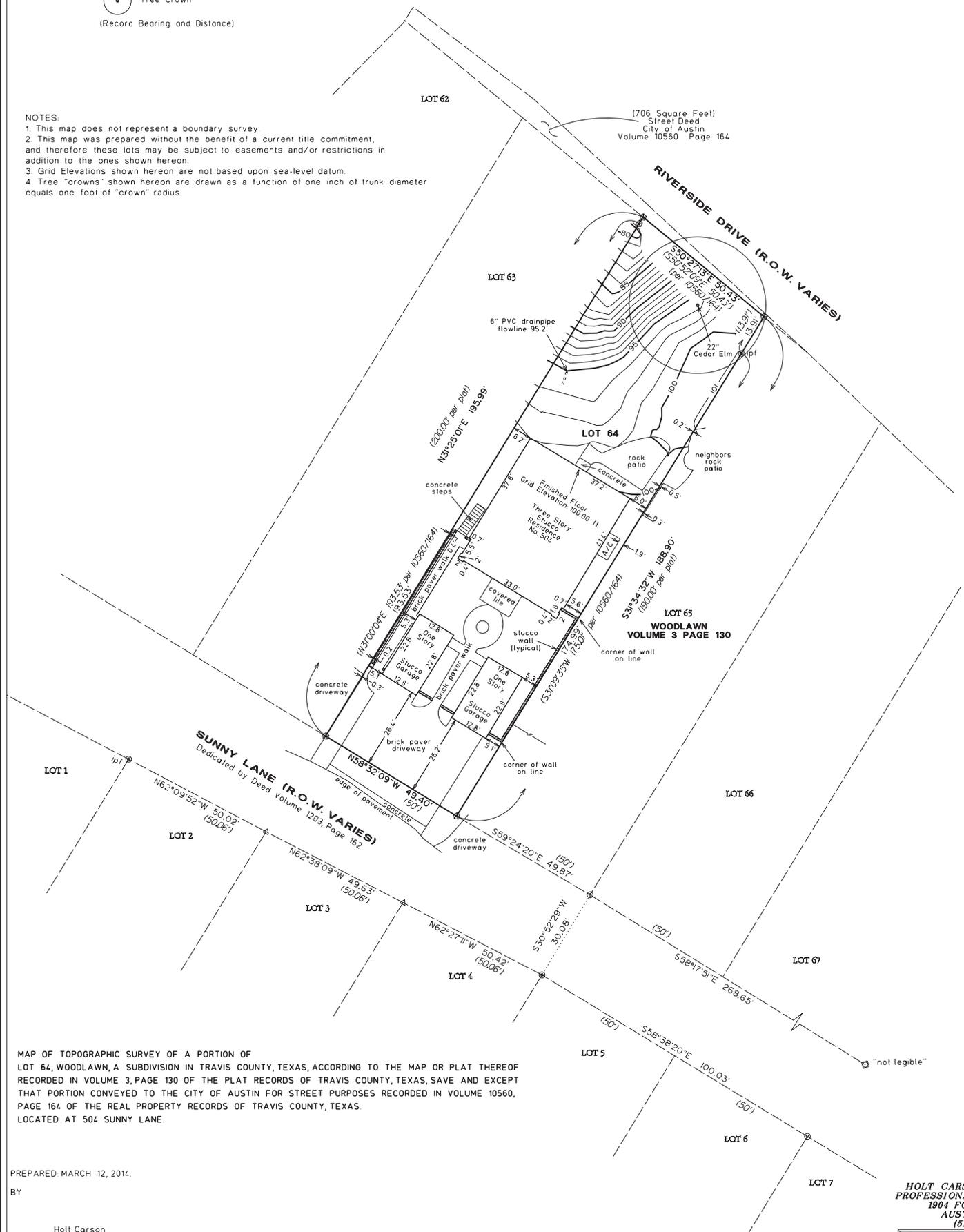
- ⊙ 1/2" Iron Rod Found
- ⊙ 1/2" Iron Pipe Found
- ⊙ 1/2" Iron Rod Found with plastic cap
- △ PK Nail Found
- ⊙ Calculated Point
- Wood Board Fence
- Tree Crown

(Record Bearing and Distance)

FLOOD ZONE CLASSIFICATION: A portion of this property lies within Zone X (areas determined to have 0.2% annual chance flood hazard) according to Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 48453C0465 H, dated September 26, 2008.

### NOTES:

1. This map does not represent a boundary survey.
2. This map was prepared without the benefit of a current title commitment, and therefore these lots may be subject to easements and/or restrictions in addition to the ones shown hereon.
3. Grid Elevations shown hereon are not based upon sea-level datum.
4. Tree "crowns" shown hereon are drawn as a function of one inch of trunk diameter equals one foot of "crown" radius.



MAP OF TOPOGRAPHIC SURVEY OF A PORTION OF LOT 64, WOODLAWN, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 130 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF AUSTIN FOR STREET PURPOSES RECORDED IN VOLUME 10560, PAGE 164 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, LOCATED AT 504 SUNNY LANE.

PREPARED MARCH 12, 2014.  
BY

Holt Carson  
Registered Professional Land Surveyor No. 5166

**HOLT CARSON, INCORPORATED**  
PROFESSIONAL LAND SURVEYORS  
1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
(512) 442-0990

© copyright 2014 A 935024

SCALE: 1" = 20'

## Legend

- ⊙ 1/2" Iron Rod Found
- ipf 1/2" Iron Pipe Found
- ⊙ 1/2" Iron Rod Found with plastic cap
- ⊙ PK Nail Found
- ⊙ Calculated Point
- Wood Board Fence
- Chain Link Fence
- Wrought Iron Fence
- (Record Bearing and Distance)

FLOOD ZONE CLASSIFICATION: A portion of this property lies within Zone X (areas determined to have 0.2% annual chance flood hazard) according to Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 48453C0465 H, dated September 26, 2008.



NOTES:  
 1. This map does not represent a boundary survey.  
 2. This map was prepared without the benefit of a current title commitment, and therefore these lots may be subject to easements and/or restrictions in addition to the ones shown herein.

### AREA TABLE

Improvement	Percentage of Total Lot Area
TOTAL LOT AREA	9,558 square feet
House 1,678 square feet	17.7%
Astroturf over concrete 1,489 square feet	15.6%
Pavers 1,002 square feet	10.5%
Pool coping 133 square feet	1.4%
Garages 584 square feet	6.1%
Walls 241 square feet	2.5%
Covered areas 228 square feet	2.4%
Hot tub coping & bench 97 square feet	1.0%
Covered tile 87 square feet	0.9%
Concrete pool pump pad 54 square feet	0.6%
Concrete steps 35 square feet	0.4%
Concrete A/C pad 32 square feet	0.3%
Rock planters 12 square feet	0.1%

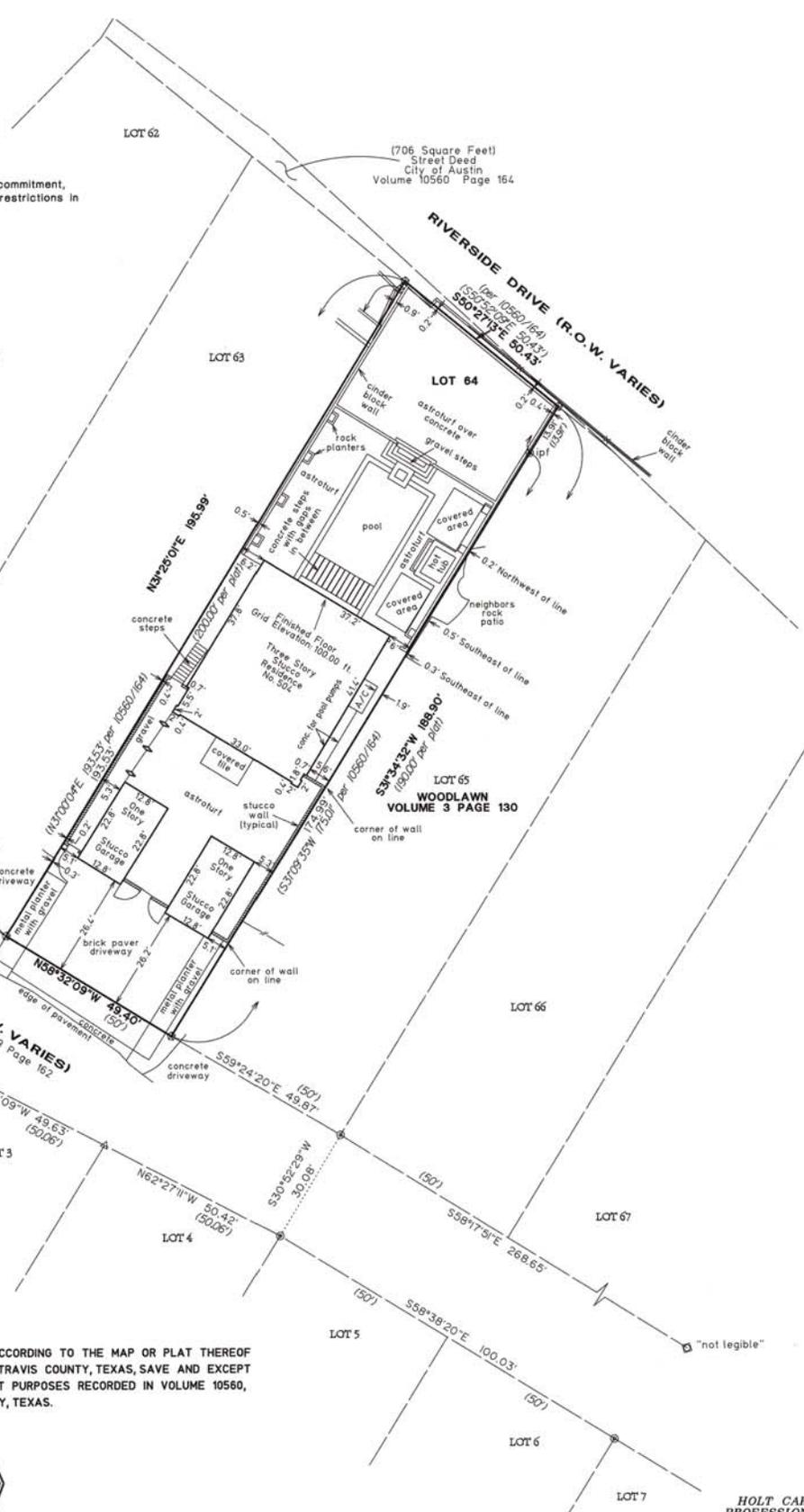


EXHIBIT MAP OF LOT 64, WOODLAWN, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 130 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF AUSTIN FOR STREET PURPOSES RECORDED IN VOLUME 10560, PAGE 164 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. LOCATED AT 504 SUNNY LANE.

PREPARED: March 8th, 2019

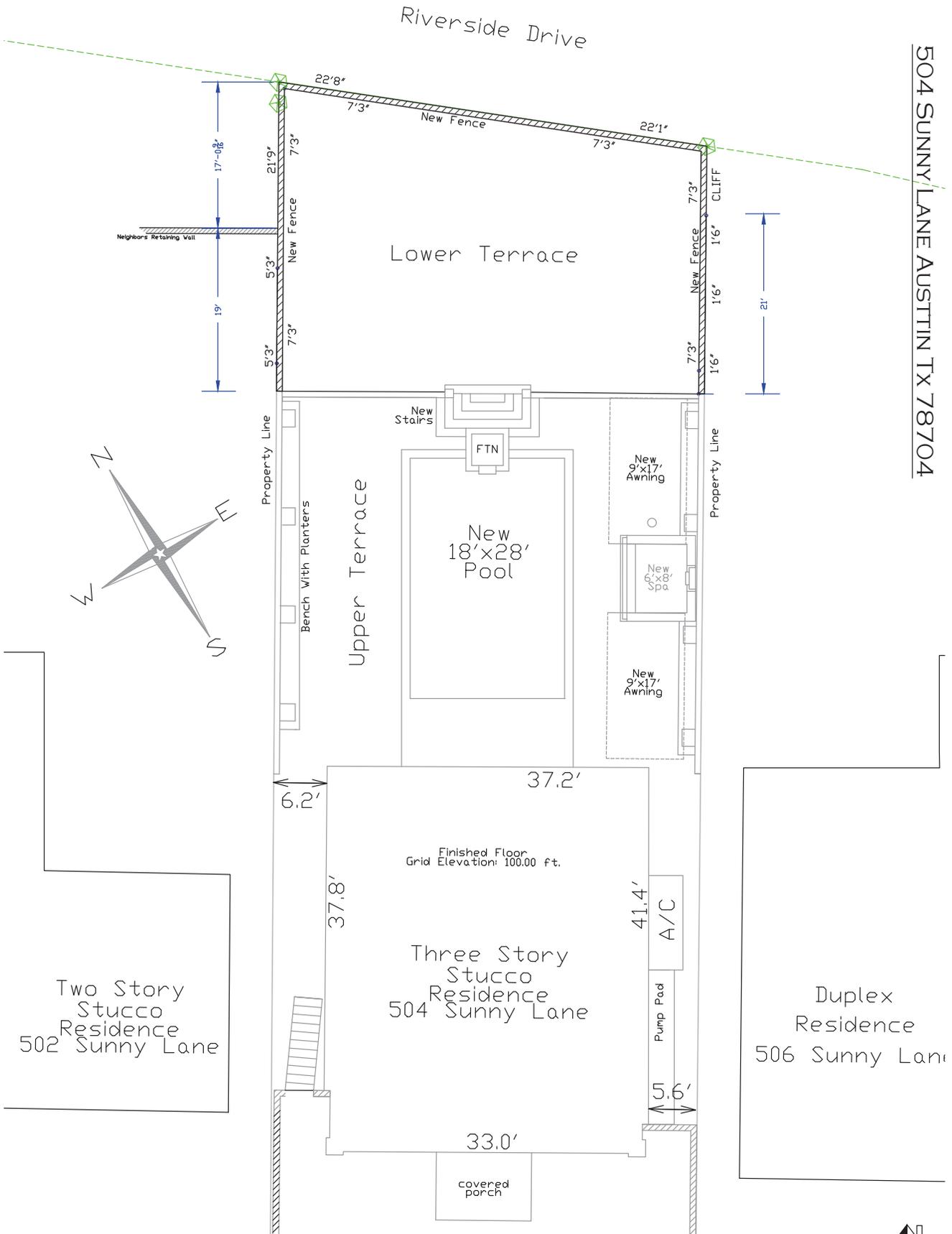
BY *Holt Carson*



Holt Carson  
Registered Professional Land Surveyor No. 5166

HOLT CARSON, INCORPORATED  
 PROFESSIONAL LAND SURVEYORS  
 1904 FORTVIEW ROAD  
 AUSTIN, TX 78704  
 (512) 442-0990

504 SUNNY LANE AUSTIN TX 78704



Two Story Stucco Residence  
502 Sunny Lane

Duplex Residence  
506 Sunny Lane



## 504 Sunny Lane Impervious Coverage Table

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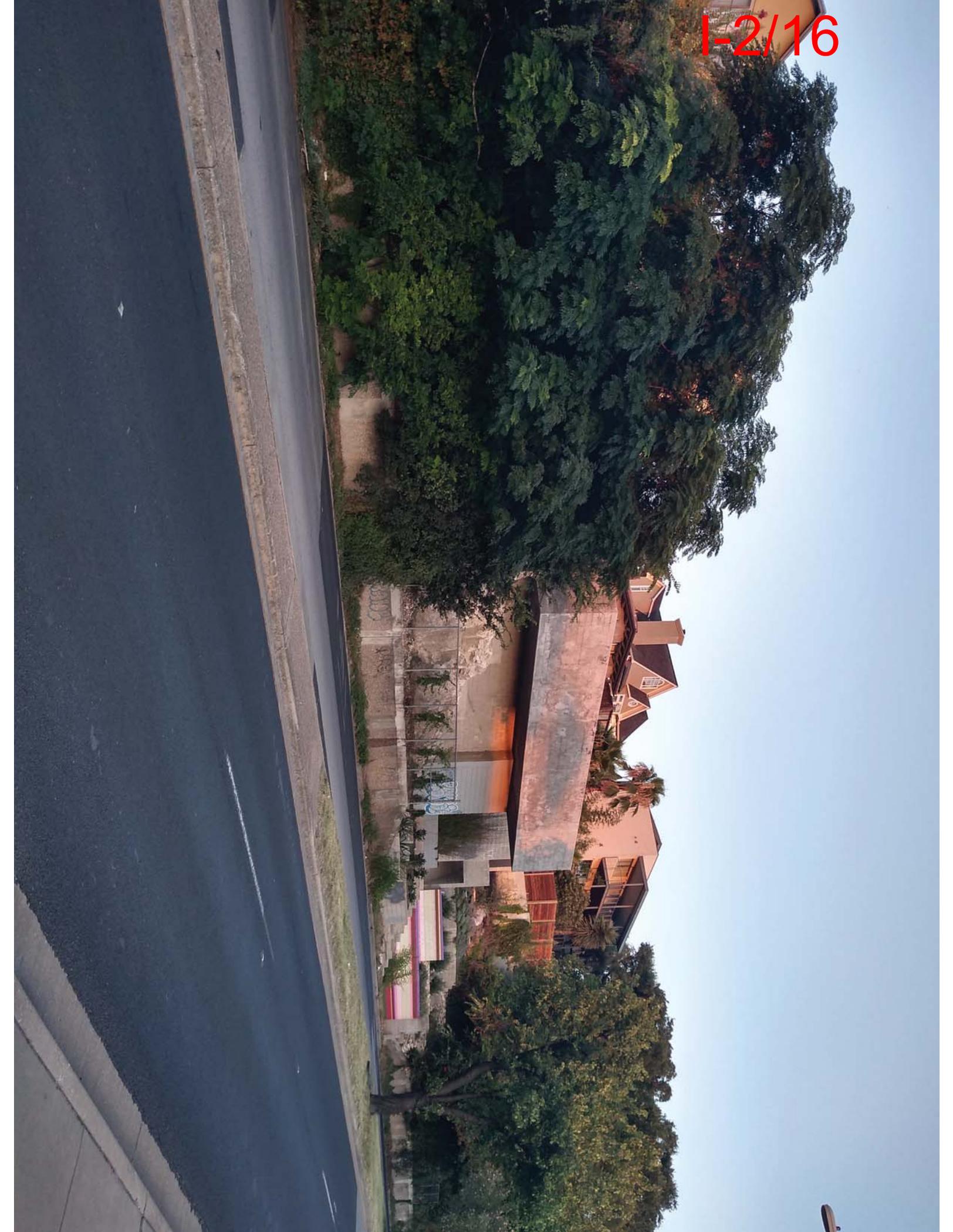
Column (A) shows tabular data with the Lower Terrace considered impervious.  
Column (B) shows total without the Lower Terrace being considered impervious.

	(A)	(B)
House	17.7	17.7
Astroturf over concrete	15.6	
Pavers	10.5	10.5
Pool Coping	1.4	1.4
Garages	6.1	6.1
Walls	2.5	2.5
Covered Areas	2.4	2.4
Hot Tub and Bench	1	1
Covered Tile	0.9	0.9
Concrete Pool Pump Pad	0.6	0.6
Concrete steps	0.4	0.4
Concrete A/C Pad	0.3	0.3
Rock Planters	0.1	0.1
<u>Totals</u>	<u>59.5</u>	<b>43.9</b>





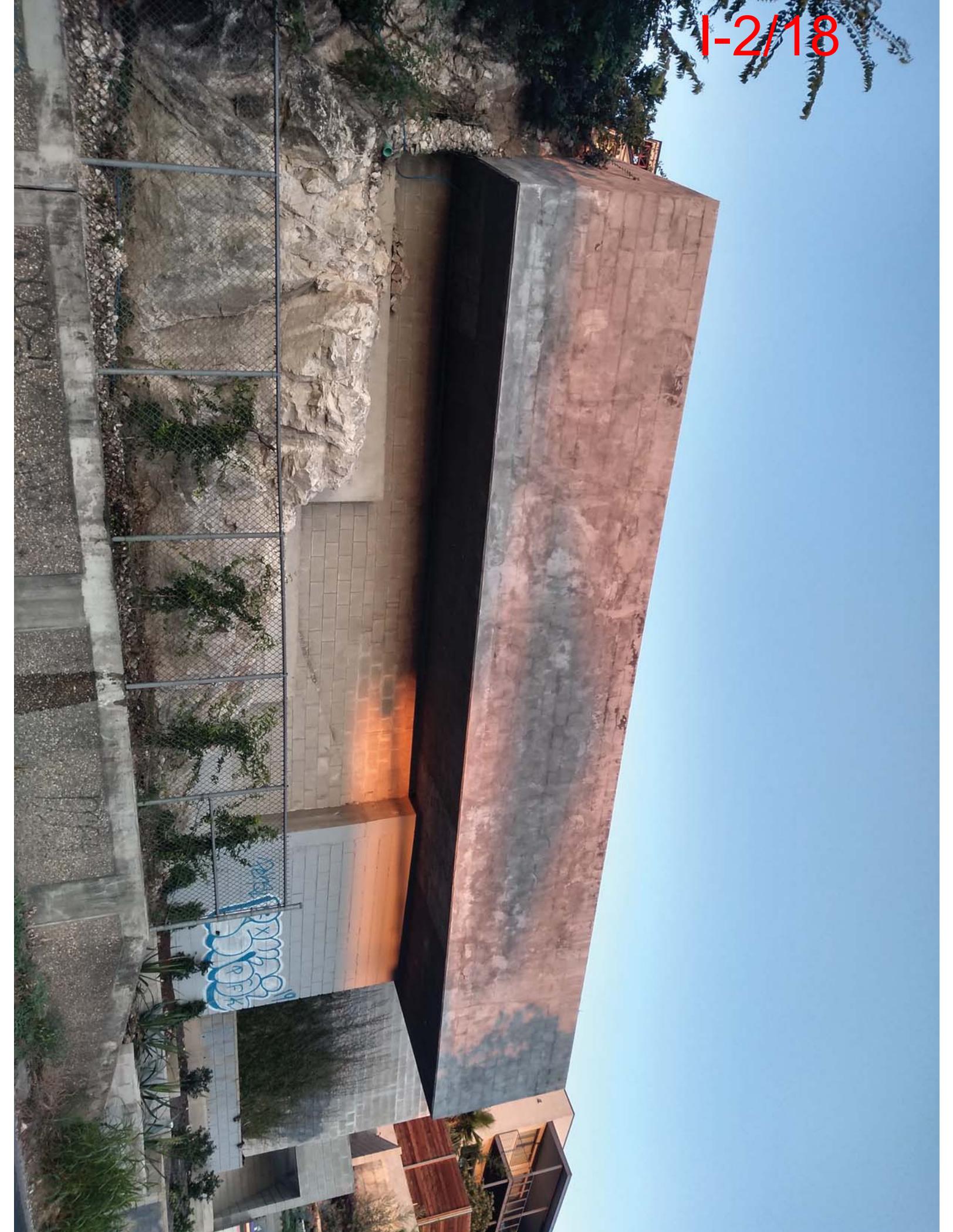
I-2/16



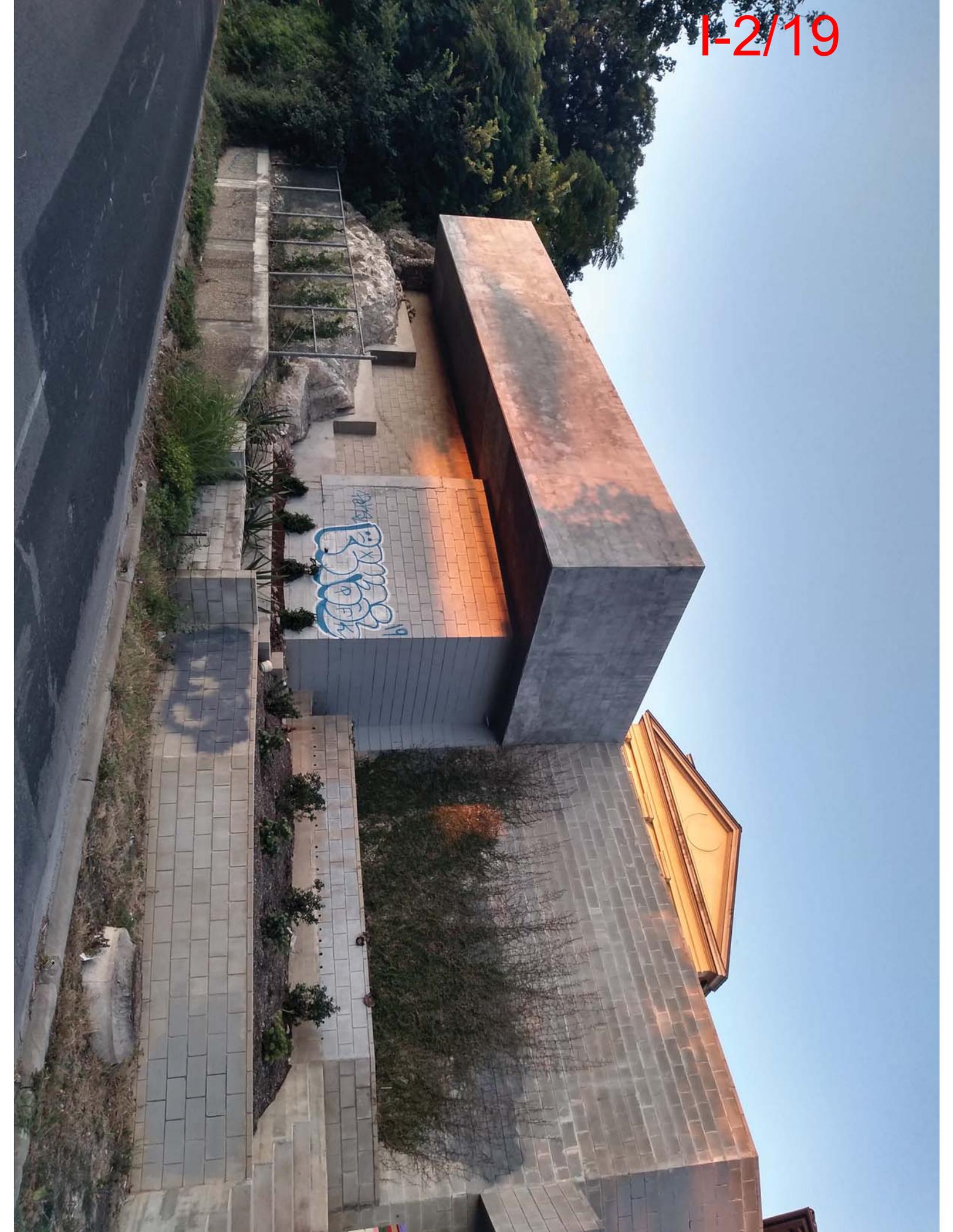
I-2/17



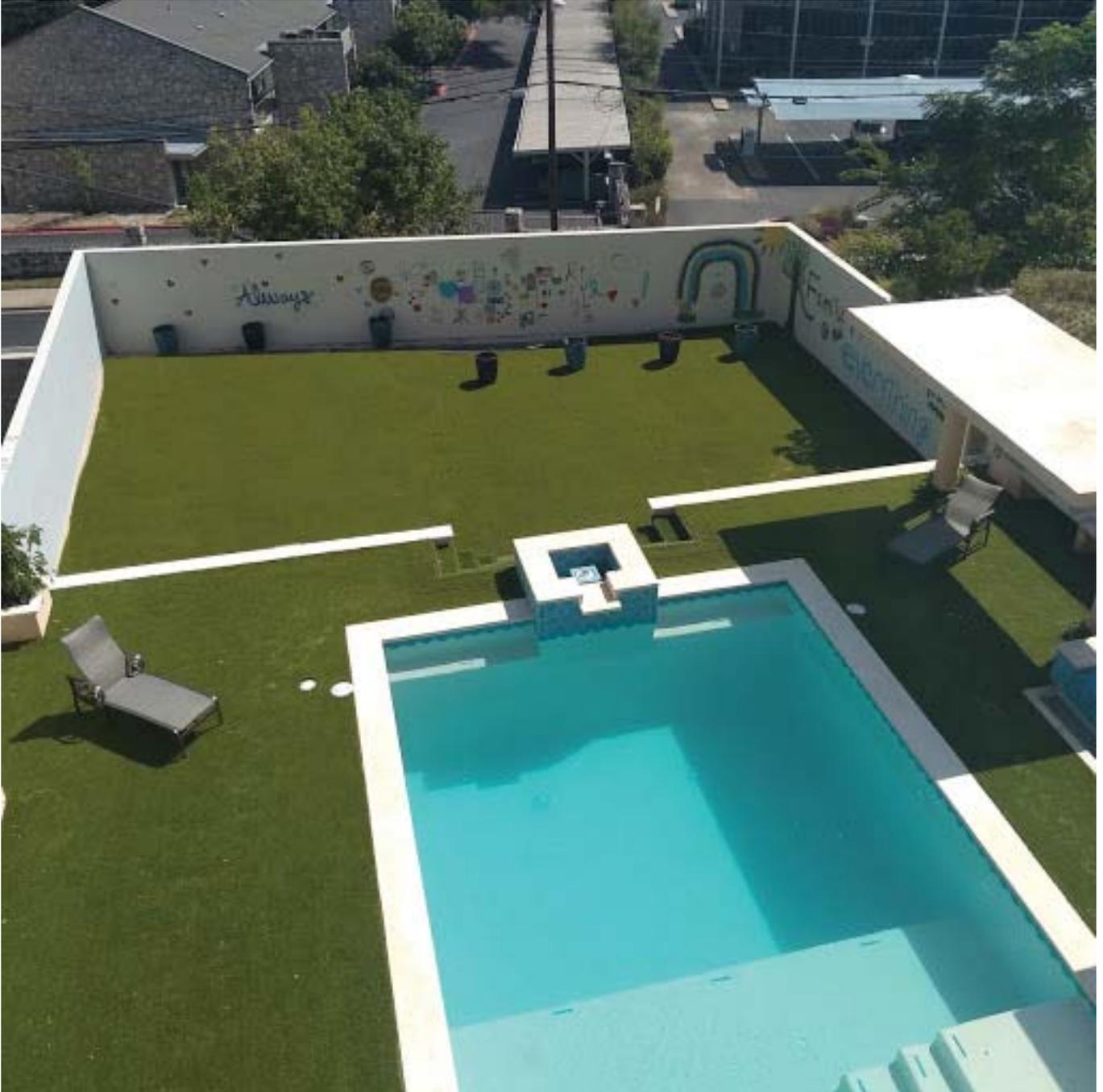
I-2/18



I-2/19



I-2/20



## TEST REPORT

**CLIENT:**

<b>Company:</b>	Global Syn-Turf	<b>Report Number:</b>	74113B
<b>Address:</b>	5960 Inglewood Dr Suite 150	<b>Lab Test Number:</b>	3019-6606
	Pleasanton, CA 94588	<b>Test Completion Date:</b>	6/5/2018
		<b>Report Date:</b>	6/18/2018
		<b>Page:</b>	1 of 1
<b>Requested By:</b>	Patricia Ochoa		

**TEST MATERIAL:**

<b>Material Type:</b>	Synthetic Turf	<b>Date Received:</b>	5/30/2018
<b>Material Condition:</b>	EXCELLENT:    XXX    GOOD:    POOR:    REJECTED:		
<b>Turf ID:</b>	Super Natural-80		
<b>Infill:</b>	None		

**TESTING METHODS REQUESTED:**

<i>Testing Services Inc. was instructed by the client to test for the following...</i>			
<b>Standard:</b>	ASTM F1551	<b>Test Method:</b>	Standard Test Methods for Comprehensive Characterization of Synthetic Turf Playing Surfaces and Materials: Suffix-DIN 18-035, Part 6: Water Permeability of Synthetic Turf Systems and Permeable Bases

**SAMPLING PLAN:**

<b>Sampling Date:</b>	5/30/2018
<ul style="list-style-type: none"> <li>• Specimen sampling is performed in the sampling department at TSI.</li> <li>• The sampling size of specimens is determined by the test method requirements.</li> <li>• In the event a specific sampling size is not called for, a determination will be made based on previous testing experience, and approved for use by an authorized manager.</li> <li>• All samples are subjected to the outside environmental conditions of temperature and relative humidity.</li> <li>• Sample requiring pre-determined exposure to specified environmental conditions based on a specific test method, take place in the departments in which they are tested</li> </ul>	

**PROCEDURE:**

This test method determines the rainfall drainage capacity (permeability) of the playing surface. Test data values represent drainage rates vertically thru the turf, and do not take into account the percolation properties of any infill, pad and/or an underlying sub base. Three specimens, 11.5" diameter, were cut from the 15' turf roll, side-center-side manner. Each turf specimen was securely fastened to the permeability tube using mechanical flanges, ensuring vertical water flow thru the product. The water was pumped into the tube faster than could exit, until the water level reached 6". The water source was shut off, allowing the accumulated 6" water level to recede. The recede was timed via stopwatch until the water level exited the turf. The flow time was recorded in seconds. This procedure was repeated a total of 4 times where, the first pass was for conditioning, with passes 2,3,4 used for averaging. This process was repeated on the remaining specimens.

**DEVIATION FROM TEST METHOD:**

<b>State reason for any Deviation from, Additions to, or Exclusions From Test Method.</b>
None

**TEST SUMMARY:**

Specimen #	Drainage (Seconds)	gal/min/yd <sup>2</sup>	Rainfall Capacity (inches/hour)
1	100.3	20.1	61.8
2	60.2	33.5	102.9
3	60.5	33.4	102.5
<b>Average</b>			<b>89.1 inches/hour</b>

**Uncertainty:**

We undertake all assignments for our clients on a best effort basis. Our findings and judgments are based on the information to us using the latest test methods available. TSI can only ensure the test results for the specific items tested. Unless otherwise noted in the deviations sections of this report, all tests are performed in compliance with stated test method.

**Test Report Approval:**

 Erle Miles, III, Lab Director Testing Services Inc.

TSi Accreditation: TSi is a certified independent testing laboratory by the Synthetic Turf Council



OUR LETTERS AND REPORTS APPLY ONLY TO THE SAMPLE TESTED AND ARE NOT NECESSARILY INDICATIVE OF THE QUALITIES OF APPARENTLY IDENTICAL OR SIMILAR PRODUCTS. THESE LETTERS AND REPORTS ARE FOR THE USE ONLY OF THE CLIENT TO WHOM THEY ARE ADDRESSED AND THEIR COMMUNICATION TO ANY OTHERS OR THE USE OF THE NAME TESTING SERVICES, INC. MUST RECEIVE OUR PRIOR WRITTEN APPROVAL. OUR REPORTS, LETTERS, NAME, SEALS, OR INSIGNIA ARE NOT UNDER ANY CIRCUMSTANCES TO BE USED IN ADVERTISING TO THE GENERAL PUBLIC.

**PO Box 2041  
Dalton, GA 30722-2041  
(706) 226-1400  
tsioffice@optilink.us**